

REMARKS / ARGUMENTS

Claims 7-16 remain pending in this application. No claims have been canceled or added.

Priority

Applicants request that the Examiner acknowledge the claim for priority. The priority documents (JP 2000-050034, filed February 25, 2000 and JP 2000-054955, filed February 29, 2000) were filed in the parent application Serial No. 09/789,624. The priority document is referred to in the declaration filed with the divisional application on October 9, 2003.

Verified English translations of priority documents JP 2000-050034 and JP 2000-054955 were filed on November 23, 2007 and received by the Patent Office on the same date. They are referred to in PAIR as one entry shown as Foreign Reference.

Information Disclosure Statement

The reference cited in the Information Disclosure Statement filed on October 9, 2003 was not acknowledged by the Examiner in the Office Action mailed May 23, 2007. Since the document cited therein was filed in the parent application (U.S. Serial No. 09/789,625) and is a matter of record, no copy of the document was filed.

Accordingly, Applicants request that the Examiner initial and return a copy of the attached PTO-1449 Form to indicate that the document has been considered.

35 U.S.C. §102

Claims 7-16 stand rejected under 35 U.S.C. §102(e) as being anticipated by Laugharn, Jr. et al (U.S. Patent No. 6,948,843). Claims 7, 10-11 and 15-16 stand rejected under 35 U.S.C. §102(e) as being anticipated by Akira (JP 2000-338113). These rejections are traversed as follows.

The present invention is directed to an automatic analyzer provided with an analysis means to analyze physical properties of a specimen. The automatic analyzer has an acoustic wave generation means installed outside the reaction vessel to irradiate an acoustic wave toward the reaction vessel. A control means is provided to control a position for irradiation of the acoustic wave by the acoustic wave generating means according to a liquid level of the specimen and reagent. The Examiner's attention is directed, by way of example, to the specification from page 12, line 6 to page 13, line 6.

On the other hand, Laugharn, Jr. et al disclose irradiating an acoustic wave to a reaction vessel to perform feedback control relating to an irradiating condition of the acoustic wave. Laugharn, Jr. et al do not disclose or suggest changing the irradiating position according to a liquid level of the specimen and the reagent when the acoustic wave is irradiated onto the reaction vessel holding the liquid specimen and reagent.

In the present invention, the specimen and reagent must be agitated sufficiently in the reaction vessel to produce a swirling flow. Therefore, the irradiation position should be changed according to the liquid level of the specimen and the reagent. Laugharn, Jr. et al clearly do not disclose or suggest changing the irradiating position according to the liquid level of the specimen and reagent. As such, it is submitted that the pending claims patentably define the present invention over the cited art.

Request for Interview

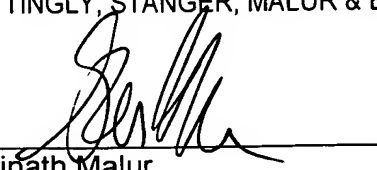
Applicants request the Examiner to conduct an interview with the undersigned prior to issuing a subsequent Office Action. As such, the Examiner is hereby invited to contact the undersigned by telephone in order to arrange an appropriate date and time for such interview.

Conclusion

In view of the foregoing, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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